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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

Case No. 2005-113

13 KAREN JAY LUTTGE
1111 Black Canyon Road
14 Simi Valley, CA 93063
Registered Nurse License No. 515480

**PETITION TO REVOKE
PROBATION**

15
16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Petition to
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
22 Registered Nursing (Board), Department of Consumer Affairs, State of California.

23 2. On or about September 6, 1995, the Board issued Registered Nurse
24 License Number 515480 to Karen Jay Luttge (Respondent). The Registered Nurse License was
25 in effect at all times relevant to the charges brought herein and will expire on October 31, 2008,
26 unless renewed.

27 3. In a disciplinary action entitled "In the Matter of Accusation Against
28 Karen Jay Luttge," Case No. 2005-113, the Board issued a decision, effective July 21, 2006,

1 adopting the Stipulated Settlement and Disciplinary Order, in which Respondent's Registered
2 Nurse License was revoked. However, the revocation was stayed and Respondent's Registered
3 Nurse License was placed on probation for a period of three (3) years subject to certain terms and
4 conditions. A copy of that decision is attached as exhibit A and is incorporated by reference.

5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board, under the
7 authority of the following laws. All section references are to the Business and Professions Code
8 unless otherwise indicated.

9 5. Section 2750 of the Business and Professions Code ("Code") provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
12 2750) of the Nursing Practice Act.

13 6. Section 2764 of the Code provides, in pertinent part, that the expiration of
14 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
15 against the licensee or to render a decision imposing discipline on the license. Under Code
16 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
17 years after the expiration.

18 PETITION TO REVOKE PROBATION

19 7. Grounds exist for revoking the probation and reimposing the order of
20 revocation of Respondent's Registered Nurse License in that Respondent has violated the terms
21 and conditions of probation as follows:

22 Condition 2. Comply with the Board's Probation Program:

23 Respondent shall fully comply with the conditions of the Probation Program
24 established by the Board and cooperate with representatives of the Board in its monitoring and
25 investigation of the Respondent's compliance with the Board's Probation Program. Respondent
26 shall inform the Board in writing within no more than 15 days of any address change and shall at
27 all times maintain an active, current license status with the Board, including during any period of
28 suspension.

1 Upon successful completion of probation, Respondent's license shall be fully
2 restored.

3 **Condition 16(B). Abstain from Use of Psychotropic (Mood-Altering) Drugs:**

4 Respondent shall completely abstain from the possession, injection or consumption by
5 any route of all controlled substances and all psychotropic (mood altering) drugs, including
6 alcohol, except when the same are ordered by a health care professional legally authorized to do
7 so as part of documented medical treatment. Respondent shall have sent to the Board, in writing
8 and within fourteen (14) days, by the prescribing health professional, a report identifying the
9 medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date
10 the medication will no longer be required, and the effect on the recovery plan, if appropriate.

11 Respondent shall identify for the Board a single physician, nurse practitioner or
12 physician assistant who shall be aware of Respondent's history of substance abuse and will
13 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
14 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
15 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
16 condition. If any substances considered addictive have been prescribed, the report shall identify a
17 program for the time limited use of any such substances.

18 The Board may require the single coordinating physician, nurse practitioner, or
19 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
20 addictive medicine.

21 **Condition 16(C). Submit to Tests and Samples:**

22 Respondent, at her expense, shall participate in a random, biological fluid testing
23 or a drug screening program which the Board approves. The length of time and frequency will be
24 subject to approval by the Board. Respondent is responsible for keeping the Board informed of
25 Respondent's current telephone number at all times. Respondent shall also ensure that messages
26 may be left at the telephone number when she is not available and ensure that reports are
27 submitted directly by the testing agency to the Board, as directed. Any confirmed positive

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1 finding shall be reported immediately to the Board by the program and Respondent shall be
2 considered in violation of probation.

3 In addition, Respondent, at any time during the period of probation, shall fully
4 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
5 tests and samples as the Board or its representatives may require for the detection of alcohol,
6 narcotics, hypnotics, dangerous drugs, or other controlled substances.

7 If Respondent has a positive drug screen for any substance not legally authorized
8 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
9 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
10 from practice pending the final decision on the petition to revoke probation or the accusation.
11 This period of suspension will not apply to the reduction of this probationary time period.

12 If Respondent fails to participate in a random, biological fluid testing or drug
13 screening program within the specified time frame, Respondent shall immediately cease practice
14 and shall not resume practice until notified by the Board. After taking into account documented
15 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
16 Board may suspend Respondent from practice pending the final decision on the petition to
17 revoke probation or the accusation. This period of suspension will not apply to the reduction of
18 this probationary time period.

19 **FIRST CAUSE TO REVOKE PROBATION**

20 **(Failure to Comply with Probationary Terms)**

21 8. Respondent's probation is subject to revocation under Probation Condition
22 2, in that she failed to fully comply with the conditions of the Probation Program established by
23 the Board and cooperate with representatives of the Board in its monitoring and investigation of
24 the Respondent's compliance with the Board's Probation Program. The circumstances are
25 described below and are incorporated herein by reference.

26 **SECOND CAUSE TO REVOKE PROBATION**

27 **(Failure to Abstain from Use of Mood-altering Drugs)**

28 9. Respondent's probation is subject to revocation under Probation Condition

1 16, in that she was tested positive on June 8, 2007, for opiates, and on September 4, 2007, and
2 October 11, 2007, for cannabinoids. In addition, Respondent had a diluted test on August 23,
3 2007.

4 **THIRD CAUSE TO REVOKE PROBATION**

5 **(Failure to Submit to Tests and Samples)**

6 10. Respondent's probation is subject to revocation under Probation Condition
7 17, in that she failed to submit to random testing by failing to test as required on August 13,
8 2007.

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10 **PRAYER**


11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board issue a decision:

13 1. Revoking the probation that was granted by the Board of Registered
14 Nursing in Case No. 2005-113 and imposing the disciplinary order that was stayed, thereby
15 revoking Registered Nurse License No. 515480 issued to Karen Jay Luttge;

16 2. Revoking or suspending Registered Nurse License No. 515480, issued to
17 Karen Jay Luttge;

18 3. Taking such other and further action as deemed necessary and proper.
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20 DATED: 4/23/08

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23 
24 RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
27 State of California
28 Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KAREN JAY LUTTGE

Respondent.

Case No. 2005-113

OAH No. L - 2005080162

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 21, 2006.

It is so ORDERED July 21, 2006.

Grace M. Loeferl Vice President
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106902
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6 Attorneys for Complainant

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 KAREN JAY LUTTGE

13 Registered Nurse License No. 515480

14 Respondent.

Case No. 2005-113
OAH No. L - 2005080162

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N., Executive Officer (Complainant) is the
20 Executive Officer of the Board of Registered Nursing. She brought this action solely in her
21 official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State
22 of California, by Susan Melton Wilson, Deputy Attorney General.

23 2. Respondent Karen Jay Luttge (Respondent) is represented in this
24 proceeding by Edward O. Lear, Attorney at Law.

25 3. On or about September 6, 1995, the Board issued Registered Nurse
26 License No. 515480 to Karen Jay Luttge (Respondent). The Registered Nurse License was in
27 full force and effect at all times relevant to the charges brought herein and will expire on
28 October 31, 2006, unless renewed.

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1 in the Disciplinary Order below.

2 CIRCUMSTANCES IN MITIGATION

3 10. Respondent Karen Jay Luttge has never been the subject of any
4 disciplinary action. She is admitting responsibility at an early stage in the proceedings.

5 CONTINGENCY

6 11. This stipulation shall be subject to approval by the Board of Registered
7 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
8 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
9 and settlement, without notice to or participation by Respondent or her counsel. By signing the
10 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
11 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
12 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
13 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
14 action between the parties, and the Board shall not be disqualified from further action by having
15 considered this matter.

16 12. The parties understand and agree that facsimile copies of this Stipulated
17 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
18 force and effect as the originals.

19 13. In consideration of the foregoing admissions and stipulations, the parties
20 agree that the Board may, without further notice or formal proceeding, issue and enter the
21 following Disciplinary Order:

22 DISCIPLINARY ORDER

23 IT IS HEREBY ORDERED that Registered Nurse License No. 515480 issued to
24 Respondent Karen Jay Luttge is revoked. However, the revocation is stayed and Respondent is
25 placed on probation for three (3) years on the following terms and conditions.

26 **Severability Clause.** Each condition of probation contained herein is a separate
27 and distinct condition. If any condition of this Order, or any application thereof, is declared
28 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other

1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
2 and enforceable to the fullest extent permitted by law.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
4 A full and detailed account of any and all violations of law shall be reported by Respondent to
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
6 compliance with this condition, Respondent shall submit completed fingerprint forms and
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
8 as part of the licensure application process.

9 2. **Comply with the Board's Probation Program.** Respondent shall fully
10 comply with the conditions of the Probation Program established by the Board and cooperate
11 with representatives of the Board in its monitoring and investigation of the Respondent's
12 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
13 within no more than 15 days of any address change and shall at all times maintain an active,
14 current license status with the Board, including during any period of suspension.

15 Upon successful completion of probation, Respondent's license shall be fully
16 restored.

17 3. **Report in Person.** Respondent, during the period of probation, shall
18 appear in person at interviews/meetings as directed by the Board or its designated
19 representatives.

20 4. **Residency, Practice, or Licensure Outside of State.** Periods of
21 residency or practice as a registered nurse outside of California shall not apply toward a reduction
22 of this probation time period. Respondent's probation is tolled, if and when she resides outside
23 of California. Respondent must provide written notice to the Board within 15 days of any change
24 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
25 returning to practice in this state.

26 Respondent shall provide a list of all states and territories where she has ever been
27 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
28 provide information regarding the status of each license and any changes in such license status

1 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
2 new nursing license during the term of probation.

3 **5. Submit Written Reports.** Respondent, during the period of probation,
4 shall submit or cause to be submitted such written reports/declarations and verification of actions
5 under penalty of perjury, as required by the Board. These reports/declarations shall contain
6 statements relative to Respondent's compliance with all the conditions of the Board's Probation
7 Program. Respondent shall immediately execute all release of information forms as may be
8 required by the Board or its representatives.

9 Respondent shall provide a copy of this Decision to the nursing regulatory agency
10 in every state and territory in which she has a registered nurse license.

11 **6. Function as a Registered Nurse.** Respondent, during the period of
12 probation, shall engage in the practice of registered nursing in California for a minimum of 24
13 hours per week for 6 consecutive months or as determined by the Board.

14 For purposes of compliance with the section, "engage in the practice of registered
15 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
16 work in any non-direct patient care position that requires licensure as a registered nurse.

17 The Board may require that advanced practice nurses engage in advanced practice
18 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
19 Board.

20 If Respondent has not complied with this condition during the probationary term,
21 and Respondent has presented sufficient documentation of her good faith efforts to comply with
22 this condition, and if no other conditions have been violated, the Board, in its discretion, may
23 grant an extension of Respondent's probation period up to one year without further hearing in
24 order to comply with this condition. During the one year extension, all original conditions of
25 probation shall apply.

26 **7. Employment Approval and Reporting Requirements.** Respondent
27 shall obtain prior approval from the Board before commencing or continuing any employment,
28 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all

1 performance evaluations and other employment related reports as a registered nurse upon request
2 of the Board.

3 Respondent shall provide a copy of this Decision to her employer and immediate
4 supervisors prior to commencement of any nursing or other health care related employment.

5 In addition to the above, Respondent shall notify the Board in writing within
6 seventy-two (72) hours after she obtains any nursing or other health care related employment.

7 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
8 terminated or separated, regardless of cause, from any nursing, or other health care related
9 employment with a full explanation of the circumstances surrounding the termination or
10 separation.

11 8. **Supervision.** Respondent shall obtain prior approval from the Board
12 regarding Respondent's level of supervision and/or collaboration before commencing or
13 continuing any employment as a registered nurse, or education and training that includes patient
14 care.

15 Respondent shall practice only under the direct supervision of a registered nurse
16 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
17 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
18 are approved.

19 Respondent's level of supervision and/or collaboration may include, but is not
20 limited to the following:

21 (a) Maximum - The individual providing supervision and/or collaboration is
22 present in the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration is in
24 the patient care unit or in any other work setting at least half the hours Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration has
26 person-to-person communication with Respondent at least twice during each shift worked.

27 (d) Home Health Care - If Respondent is approved to work in the home health
28 care setting, the individual providing supervision and/or collaboration shall have person-to-

1 person communication with Respondent as required by the Board each work day. Respondent
2 shall maintain telephone or other telecommunication contact with the individual providing
3 supervision and/or collaboration as required by the Board during each work day. The individual
4 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
5 site visits to patients' homes visited by Respondent with or without Respondent present.

6 9. **Employment Limitations.** Respondent shall not work for a nurse's
7 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
8 traveling nurse, or for an in-house nursing pool.

9 Respondent shall not work for a licensed home health agency as a visiting nurse
10 unless the registered nursing supervision and other protections for home visits have been
11 approved by the Board. Respondent shall not work in any other registered nursing occupation
12 where home visits are required.

13 Respondent shall not work in any health care setting as a supervisor of registered
14 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
15 nurses and/or unlicensed assistive personnel on a case-by-case basis.

16 Respondent shall not work as a faculty member in an approved school of nursing
17 or as an instructor in a Board approved continuing education program.

18 Respondent shall work only on a regularly assigned, identified and predetermined
19 worksite(s) and shall not work in a float capacity.

20 If Respondent is working or intends to work in excess of 40 hours per week, the
21 Board may request documentation to determine whether there should be restrictions on the hours
22 of work.

23 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
24 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
25 than six months prior to the end of her probationary term.

26 Respondent shall obtain prior approval from the Board before enrolling in the
27 course(s). Respondent shall submit to the Board the original transcripts or certificates of
28 completion for the above required course(s). The Board shall return the original documents to

1 Respondent after photocopying them for its records.

2 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
3 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
4 amount of Five Thousand, Four Hundred Dollars (\$5,400.00). Respondent shall be permitted to
5 pay these costs in a payment plan approved by the Board, with payments to be completed no later
6 than three months prior to the end of the probation term.

7 If Respondent has not complied with this condition during the probationary term,
8 and Respondent has presented sufficient documentation of her good faith efforts to comply with
9 this condition, and if no other conditions have been violated, the Board, in its discretion, may
10 grant an extension of Respondent's probation period up to one year without further hearing in
11 order to comply with this condition. During the one year extension, all original conditions of
12 probation will apply.

13 12. **Violation of Probation.** If Respondent violates the conditions of her
14 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
15 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

16 If during the period of probation, an accusation or petition to revoke probation has
17 been filed against Respondent's license or the Attorney General's Office has been requested to
18 prepare an accusation or petition to revoke probation against Respondent's license, the
19 probationary period shall automatically be extended and shall not expire until the accusation or
20 petition has been acted upon by the Board.

21 13. **License Surrender.** During Respondent's term of probation, if she ceases
22 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
23 probation, Respondent may surrender her license to the Board. The Board reserves the right to
24 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
25 take any other action deemed appropriate and reasonable under the circumstances, without
26 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
27 will no longer be subject to the conditions of probation.

28 Surrender of Respondent's license shall be considered a disciplinary action and

1 shall become a part of Respondent's license history with the Board. A registered nurse whose
2 license has been surrendered may petition the Board for reinstatement no sooner than the
3 following minimum periods from the effective date of the disciplinary decision:

4 (1) Two years for reinstatement of a license that was surrendered for any
5 reason other than a mental or physical illness; or

6 One year for a license surrendered for a mental or physical illness.

7 14. **Physical Examination.** Within 45 days of the effective date of this
8 decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or
9 physician assistant, who is approved by the Board before the assessment is performed, submit an
10 assessment of the respondent's physical condition and capability to perform the duties of a
11 registered nurse, including a determination as set forth below in Condition 16, "Rule-Out
12 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to
13 the Board. If medically determined, a recommended treatment program will be instituted and
14 followed by the respondent with the physician, nurse practitioner, or physician assistant
15 providing written reports to the Board on forms provided by the Board.

16 If respondent is determined to be unable to practice safely as a registered nurse,
17 the licensed physician, nurse practitioner, or physician assistant making this determination shall
18 immediately notify the Board and respondent by telephone, and the Board shall request that the
19 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
20 shall immediately cease practice and shall not resume practice until notified by the Board. During
21 this period of suspension, respondent shall not engage in any practice for which a license issued
22 by the Board is required until the Board has notified respondent that a medical determination
23 permits respondent to resume practice. This period of suspension will not apply to the reduction
24 of this probationary time period.

25 If the respondent fails to have the above assessment submitted to the Board within
26 the 45-day requirement, respondent shall immediately cease practice and shall not resume
27 practice until notified by the Board. This period of suspension will not apply to the reduction of
28 this probationary time period. The Board may waive or postpone this suspension only if

1 significant, documented evidence of mitigation is provided. Such evidence must establish good
2 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
3 be provided. Only one such waiver or extension may be permitted.

4 **15. Mental Health Examination.** The respondent shall, within 45 days of the
5 effective date of this decision, have a mental health examination including psychological testing as
6 appropriate to determine his/her capability to perform the duties of a registered nurse, including a
7 determination as set forth below in Condition 16, "Rule-Out Substance Abuse Assessment." The
8 examination will be performed by a psychiatrist, psychologist or other licensed mental health
9 practitioner approved by the Board. The examining mental health practitioner will submit a written
10 report of that assessment and recommendations to the Board. All costs are the responsibility of the
11 respondent. Recommendations for treatment, therapy or counseling made as a result of the mental
12 health examination will be instituted and followed by the respondent.

13 If respondent is determined to be unable to practice safely as a registered nurse,
14 the licensed mental health care practitioner making this determination shall immediately notify
15 the Board and respondent by telephone, and the Board shall request that the Attorney General's
16 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
17 practice and may not resume practice until notified by the Board. During this period of
18 suspension, respondent shall not engage in any practice for which a license issued by the Board is
19 required, until the Board has notified respondent that a mental health determination permits
20 respondent to resume practice. This period of suspension will not apply to the reduction of this
21 probationary time period.

22 If the respondent fails to have the above assessment submitted to the Board within
23 the 45-day requirement, respondent shall immediately cease practice and shall not resume
24 practice until notified by the Board. This period of suspension will not apply to the reduction of
25 this probationary time period. The Board may waive or postpone this suspension only
26 if significant, documented evidence of mitigation is provided. Such evidence must establish good
27 faith efforts by the respondent to obtain the assessment, and a specific date for compliance must
28 be provided. Only one such waiver or extension may be permitted.

1 16. **Rule-Out Substance Abuse Assessment.** If the examiner conducting the
2 physical and/or mental health examination determines that the respondent is dependent upon drugs or
3 alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol
4 dependence in remission), that might reasonably affect the safe practice of nursing, then the respondent
5 must further comply with the following additional terms and conditions of probation.

6 (A) **Participate in Treatment/Rehabilitation Program for Chemical**
7 **Dependence.** Respondent, at his/her expense, shall successfully complete during the
8 probationary period or shall have successfully completed prior to commencement of probation a
9 Board-approved treatment/rehabilitation program of at least six months duration. As required,
10 reports shall be submitted by the program on forms provided by the Board. If respondent has not
11 completed a Board-approved treatment/rehabilitation program prior to commencement of
12 probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in
13 a program. If a program is not successfully completed within the first nine months of probation,
14 the Board shall consider respondent in violation of probation.

15 Based on Board recommendation, each week respondent shall be required to attend
16 at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
17 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by
18 the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall
19 be added. Respondent shall submit dated and signed documentation confirming such attendance to
20 the Board during the entire period of probation. Respondent shall continue with the recovery plan
21 recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or
22 other ongoing recovery groups.

23 (B) **Abstain From Use of Psychotropic (Mood Altering) Drugs.** Respondent
24 shall completely abstain from the possession, injection or consumption by any route of all
25 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a
26 health care professional legally authorized to do so as part of documented medical treatment.

27 Respondent shall have sent to the Board, in writing and within fourteen (14) days,
28 by the prescribing health professional, a report identifying the medication, dosage, the date the

1 medication was prescribed, the respondent's prognosis, the date the medication will no longer be
2 required, and the effect on the recovery plan, if appropriate.

3 Respondent shall identify for the Board a single physician, nurse practitioner or
4 physician assistant who shall be aware of respondent's history of substance abuse and will
5 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
6 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
7 assistant shall report to the Board on a quarterly basis respondent's compliance with this
8 condition. If any substances considered addictive have been prescribed, the report shall identify a
9 program for the time limited use of any such substances.

10 The Board may require the single coordinating physician, nurse practitioner, or
11 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
12 addictive medicine.

13 **(C) Submit to Tests and Samples.** Respondent, at his/her expense, shall
14 participate in a random, biological fluid testing or a drug screening program which the Board
15 approves. The length of time and frequency will be subject to approval by the Board. The
16 respondent is responsible for keeping the Board informed of respondent's current telephone
17 number at all times. Respondent shall also ensure that messages may be left at the telephone
18 number when he/she is not available and ensure that reports are submitted directly by the testing
19 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to
20 the Board by the program and the respondent shall be considered in violation of probation.

21 In addition, respondent at any time during the period of probation, shall fully
22 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
23 tests and samples as the Board or its representatives may require for the detection of alcohol,
24 narcotics, hypnotics, dangerous drugs, or other controlled substances.

25 If respondent has a positive drug screen for any substance not legally authorized
26 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
27 Board files a petition to revoke probation or an accusation, the Board may suspend respondent
28 from practice pending the final decision on the petition to revoke probation or the accusation.

1 This period of suspension will not apply to the reduction of this probationary time period.

2 If respondent fails to participate in a random, biological fluid testing or drug
3 screening program within the specified time frame, the respondent shall immediately cease practice
4 and shall not resume practice until notified by the Board. After taking into account documented
5 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board
6 may suspend respondent from practice pending the final decision on the petition to revoke probation
7 or the accusation. This period of suspension will not apply to the reduction of this probationary time
8 period.

9 **(D) Therapy of Counseling Program.** Respondent, at his/her expense, shall participate
10 in an on-going counseling program until such time as the Board releases him/her from this requirement
11 and only upon the recommendation of the counselor. Written progress reports from the counselor will be
12 required at various intervals.

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1 ACCEPTANCE

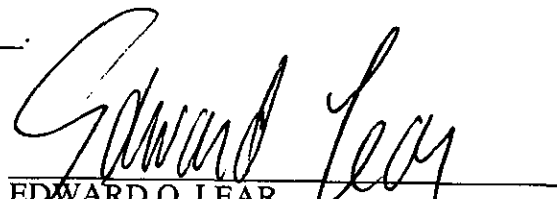
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and
3 have fully discussed it with my attorney, Edward O Lear. I understand the stipulation and the
4 effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Board of Registered Nursing.

7 DATED: 2-7-2006.

8
9 
10 KAREN JAY LUTTGE
Respondent

11 I have read and fully discussed with Respondent Karen Jay Luttge the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: 2/21/06.

15
16 
17 EDWARD O. LEAR
Attorney for Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
21 Affairs.

22 DATED: 2-28-06.

23 BILL LOCKYER, Attorney General
24 of the State of California


25
26 
27 SUSAN MELTON WILSON
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 2005 -113

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106902
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-4942
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 KAREN JAY LUTTGE
1111 Black Cyn Road
13 Simi Valley, CA 93063
or
14 1111 Black Canyon Road
Simi Valley, CA 93063

15
16 Registered Nurse License No. 515480

17 Respondent.

Case No. 2005-113

OAH No.

ACCUSATION

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs (Board).
24 2. On or about September 6, 1995, the Board issued Registered Nurse
25 License No. 515480 to Karen Jay Luttge (Respondent). The Registered Nurse License was in
26 full force and effect at all times relevant to the charges brought herein and will expire on
27 October 31, 2006, unless renewed.
28

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

.....

"(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license. . . ."

7. Section 2762 provides that, it is unprofessional conduct to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or

1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
3 license.

4

5 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
6 entries in any hospital, patient, or other record pertaining to the substances described in
7 subdivision (a) of this section.”

8 8. Health and Safety Code section 11377(a) provides that it is illegal to
9 possess a controlled substance without a valid prescription.

10 9. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations
12 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

15 10. Ativan is a trade name for the controlled substance Lorazepam and a
16 Schedule IV controlled substance as designated by Health and Safety Code section 11057,
17 subdivision (d)(16) and is categorized as a dangerous drug pursuant to Business and Professions
18 Code section 4022.

19 11. Morphine is a Schedule II controlled substance pursuant to Health and
20 Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions
21 Code section 4022.

22 12. Norco is the brand name for the combination narcotic, Hydrocodone and
23 Acetaminophen. Hydrocodone is a Schedule II controlled narcotic substance pursuant to Health
24 and Safety Code section 11055(b)(J) and a dangerous drug pursuant to Business and Professions
25 Code section 4022. Acetaminophen is a Schedule III controlled substance as designated in
26 Health and Safety Code section 11056(e)(2) and is categorized as a dangerous drug pursuant to
27 Business and Professions Code section 4022.

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 13. Respondent is subject to disciplinary action under section 2761(a) for
4 unprofessional conduct as defined in section 2762(a) in that she obtained, possessed,
5 administered to herself and/or used a controlled substance without a valid prescription, on or
6 about July 21, 2003, when she tested positive for Morphine.

7 SECOND CAUSE FOR DISCIPLINE

8 (Falsified Records)

9 14. Respondent is subject to disciplinary action under section 2761(a) for
10 unprofessional conduct as defined in section 2762(e), in that while on duty as a registered nurse
11 at Simi Valley Hospital, Simi Valley, California, she falsified, or made grossly inconsistent,
12 unintelligible entries in hospital, patient, or other records, as follows:

13 a. Patient Medical Record No. 38089199

14 On or about December 14, 2002, at 1100 hours, Respondent signed out a 2mg vial
15 of Ativan for this patient. Physician's orders were Ativan 1mg P.O. (oral tablet). The Controlled
16 Drug Administration Record (CDAR) documents wastages and contained no witness signature
17 under "Verification" as required by hospital procedures for 1mg of Ativan. The Nurse's
18 Medication Notes or PRN Nurses Notes (PRN) and Medication Administration Record (MAR)
19 did not document administration of the signed out medication, either by injection or orally, to this
20 patient. Respondent failed to administer the medication as ordered by the physician, and
21 Respondent failed to account for the administration of 2mg of Ativan in any hospital records.

22 b. Patient Medical Record No. 93646685

23 On or about December 14, 2002, at 0830 hours, Respondent signed out a 2mg vial
24 of Ativan for this patient. Physician's orders were Ativan 1mg P.O or IM. There was no wastage
25 witness verification signature on the CDAR for 1mg of Ativan. The PRN documented
26 administration of Ativan P.O. at 0930 hours, and the PRN documenting entry was incomplete.
27 The MAR did not document administration of Ativan, either by injection or orally to this patient.
28 Respondent failed to account for the administration of the 2mg vial of Ativan in any hospital

1 records.

2 c. Patient Medical Record No. 93644466

3 On or about December 14, 2002, at 1300 hours, Respondent signed out a 2mg vial
4 of Ativan for this patient. Physician's orders were Ativan 1mg P.O or IM. There was no wastage
5 witness verification signature on the CDAR for 1mg of Ativan. The PRN did not document
6 administration of the signed out medication to this patient. The MAR timely documented
7 administration of 1mg of Ativan to this patient. Respondent failed to account for the
8 administration of 1mg of Ativan in any hospital records.

9 d. Patient Medical Record No. 93669489

10 On or about January 14, 2003, at 1450 hours, Respondent signed out Ativan 1mg
11 P.O. for this patient. Physician's orders were Ativan 1mg P.O or IM. The PRN did not
12 document administration of the signed out medication to this patient. The MAR documented
13 administration of Ativan 1mg P.O., at 1450 hours. Respondent failed to document
14 administration of Ativan 1mg on the PRN.

15 On or about January 14, 2003, at 0900 hours, out of chronological sequence after
16 the 1450 hours entry above, Respondent signed out Ativan 1mg P.O. for this patient. Physician's
17 orders were Ativan 1mg P.O or IM. The PRN did not document administration of the signed out
18 medication to this patient. The MAR documented administration of Ativan 1mg P.O., at 0900
19 hours, again out of chronological sequence after the 1450 hours entry. Respondent failed to
20 timely document the signing out of Ativan 1mg P.O. and failed to document administration of
21 Ativan 1mg on the PRN.

22 e. Patient Medical Record No. 93671527

23 On or about January 13, 2003, at 0800 hours, Respondent signed out Ativan 2mg
24 P.O., between entries for 1600 and 1700 hours, for this patient. Physician's orders were Ativan
25 2mg P.O The PRN did not document administration of the signed out medication to this
26 patient. The MAR timely documented administration of Ativan 2mg P.O. Respondent failed to
27 timely document the signing out of Ativan 2mg and failed to document administration of Ativan
28 2mg on the PRN.

1 f. Patient Medical Record No. 93660454

2 On or about January 4, 2003, at 0830 hours, Respondent signed out Norco 1 tab,
3 after a prior 0900 entry. Physician's orders were Norco 10/325 mg 1 tab P.O. The PRN and
4 MAR documented administration of the signed out medication to this patient. Respondent failed
5 to timely document the signing out of Norco 1 tab.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License No. 515480, issued to
10 Karen Jay Luttge.

11 2. Ordering Karen Jay Luttge to pay the Board of Registered Nursing the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 1/5/05

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26 LA2004601980

Luttge.wpd

27 11/17/2004dmc

28

Ruth Ann Terry for
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant